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SENATE BILL 59

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO ADOPTIONS; PROVIDING PAYMENTS FOR SUBSIDIZED  
ADOPTIONS UNTIL A CHILD REACHES TWENTY-ONE YEARS OF AGE;  
AMENDING A SECTION OF THE CHILDREN'S CODE; MAKING AN  
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 32A-5-45 NMSA 1978 (being Laws 1993,  
Chapter 77, Section 172) is amended to read:

"32A-5-45. ADMINISTRATION OF SUBSIDIZED ADOPTIONS. --

A. The ~~[social]~~ protective services division of the  
department shall promulgate all necessary regulations for the  
administration of ~~[the]~~ a program of subsidized adoptions or  
placement with permanent guardians.

B. Subsidy payments may include payments to vendors  
for medical and surgical expenses and payments to the adoptive

underscored material = new  
[bracketed material] = delete

1 parents or permanent guardians for maintenance and other costs  
2 incidental to the adoption, care, training and education of the  
3 child. The payments in any category of assistance shall not  
4 exceed the cost of providing the assistance in foster care and  
5 shall not be made after the child reaches [~~eighteen~~] twenty-one  
6 years of age.

7 C. A written agreement between the adoptive family  
8 or permanent guardians and the [~~social~~] protective services  
9 division shall precede the decree of adoption or permanent  
10 guardianship. The agreement shall incorporate the terms and  
11 conditions of the subsidy plan based on the [~~individual~~]  
12 physical, emotional and developmental needs of the child within  
13 the permanent family. In cases of subsidies that continue for  
14 more than one year, there shall be an annual redetermination of  
15 the need for a subsidy. The [~~social~~] protective services  
16 division shall develop an appeal procedure whereby a permanent  
17 family may contest a division determination to deny, reduce or  
18 terminate a subsidy. "

19 Section 2. APPROPRIATION. --Sixty thousand dollars  
20 (\$60,000) is appropriated from the general fund to the  
21 protective services division of the children, youth and  
22 families department for expenditure in fiscal year 2005 for the  
23 expense of providing payments for subsidized adoptions until a  
24 child reaches twenty-one years of age. Any unexpended or  
25 unencumbered balance remaining at the end of the fiscal year

. 149328. 1

1 2005 shall revert to the general fund.

2 Section 3. EFFECTIVE DATE. --The effective date of the  
3 provisions of this act is July 1, 2004.

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